

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5703 OF 2006

Shri Pravin C.Shah ..Petitioner

Vs.

1. M/s.Pal Preet, a Firm and Ors. ..Respondents

Mr.R.M.Haridas for the petitioner

Mr.S.K.Dubey for the respondent nos.1 and 2

CORAM : A.P.DESHPANDE, J

DATED : 14TH NOVEMBER, 2006

P.C.:

1. The present petitioner is a tenant who has inducted the respondents in the suit premises in the year 1970 on the basis of leave and licence. The petitioner instituted a suit for eviction against the respondents and after cross-examination of the plaint was over, an application came to be moved with a view to to produce as many as 25 documents on record. It is undisputed that the petitioner categorically admitted in his cross-examination that he is not in possession of the suit premises since the year 1970 onwards. While objecting to the production of the said

documents, the respondents urged before the courts below that the petitioner is trying to introduce the said documents belatedly solely with a view to nullify the admission given in the cross examination about the petitioner not being in possession of the suit premises after the year 1970. The courts below after recording the finding that the said documents are not relevant and also for the reason that they were belatedly filed, has rejected the production of the documents.

2. Perusal of the impugned orders which reveal that it is an admitted position between the parties that after the year 1970, the petitioner is not in possession and hence, the suit for eviction is filed. The learned counsel for the petitioner placing reliance on the averments in the plaint para 5 submits that he has only pleaded the case that only a table space was given on leave and licence basis to the respondent and not the whole premises whereas if the prayer clause is perused, a decree for possession is asked for the entire room no.112.

3. Perused the impugned orders. The same does not suffer from any illegality. Hence, no interference is called for. Writ Petition is summarily rejected.

(SHRI A.P.DESHPANDE, J)